

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESMOND CARNEY,

Petitioner,

v.

THOMAS MCGINLEY *et al.*,

Respondents.

CIVIL ACTION
NO. 16-02787

ORDER

AND NOW, this 20th day of November, 2017, upon consideration of the Petition for a Writ of *Habeas Corpus* and accompanying Memorandum of Law, (ECF No. 1), Respondents' Responses in Opposition, (ECF Nos. 7, 12, 13), and the Report and Recommendation of U.S. Magistrate Judge Henry Perkin, (ECF No. 14), it is hereby **ORDERED** that:

1. Magistrate Judge Perkin's Report and Recommendation is **APPROVED** and **ADOPTED**;¹
2. Carney's Petition for a Writ of *Habeas Corpus* is **DENIED** and **DISMISSED with prejudice**;
3. No certificate of appealability shall issue;²
4. This case shall be **CLOSED** for statistical purposes.

¹ There are no objections to the Report and Recommendation. When no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee's notes; *see also Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, therefore, this Court will review [a] Magistrate Judge[s] . . . Report and Recommendation for 'clear error.'"). No clear error appears on the face of the record and the Court accordingly accepts Judge Perkin's recommendation.

² Reasonable jurists would not debate the Court's disposition of petitioner's claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.